

Electoral Reform Society Briefing: The Context of the Government Review of Electoral Systems



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Introduction

A review of the electoral systems currently used in the UK has been a manifesto commitment from the Labour Government since 2001. The review has been underway since 2005 within the Department for Constitutional Affairs, now the Ministry of Justice, who are to publish it in January 2008.

In October 1998, when the Jenkins report brought the prospect of electoral reform as close as it has ever been the then Home Secretary Jack Straw stated that voting reform in the Commons needed to be seen to be seen

“In the context of the Government's wider, far-reaching programme of constitutional reform. We need to see how the new election systems settle down in Scotland, Wales, London and the European Parliament. It is particularly important that we look at the commission's proposals alongside reforms to the House of Lords, which will follow the removal of the right of hereditary peers to sit and vote in the other place. It would not be wise to embark on reform to the House of Commons electoral system until we are more certain of the changes that will take place in the other place.¹”

Nearly ten years on there have been changes:

- The Single Transferable Vote system (STV) was used to elect the Northern Ireland Assembly in 1998, and also in 2003 and 2007;
- In 1999 the Mixed Member Proportional system (MMP)² was used for the first time in Britain in elections for the Scottish Parliament and Welsh Assembly, and the same system was used again for these elections in 2003 and 2007;
- Since 1999 a closed-list system has been used for the election of MEPs (other than in Northern Ireland where STV has been used);

¹ http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo981105/debtext/81105-11.htm#81105-11_head0

² Also commonly known as the Additional Member System (AMS) but MMP will be used in this briefing

- In 2000 (and again in 2004) MMP was used to elect the London Assembly and the London Mayor was elected by the Supplementary Vote system (SV): 12 boroughs in England have also elected mayors using SV;
- In 2007 local councils in Scotland were elected using STV.

Work has been done to evaluate the success of elections in the devolved institutions and everyone in the UK now has had the opportunity to vote in an election using a proportional electoral system. Constitutional issues are currently high on the political agenda –due both to the Government’s own initiatives and to events such as the “cash for honours” allegations. However, there has been no progress towards changes in how we elect our MPs, and little progress towards House of Lords Reform which awaits a further White Paper in the spring.

When the review is published it will sit within the context of the numerous other reports and analyses that have sought to assess our electoral systems. It will have been informed by them, and it will warrant being compared and contrasted to them.

Then there is also wider context to consider, including the opportunities provided by the *Governance of Britain* Green Paper and the parallel debate on reform of the House of Lords.

Understanding the likely impact of the Government review and the opportunities that exist to capitalise on it therefore require an understanding of the current context into which it will emerge. This briefing seeks to present some of that context.

Reviewing Elections since 1997: A history of commissions and reports

The Independent Commission on the Voting System (the Jenkins Commission)³

The Jenkins Commission was established in 1997 to propose an alternative electoral system to First Past the Post. Under the chairmanship of Lord Jenkins of Hillhead, the commission was required to propose a system which would deliver broad proportionality, the need for stable Government, an extension of voter choice and the maintenance of a link between MPs and geographical constituencies.

The result was a newly devised system, AV+, which proposed that 80% of MPs should continue to be elected for individual constituencies, using the Alternative Vote. The remaining seats should be filled by a second vote using a semi-open list system – designed to correct the disproportionality of the AV elections.

In the debate on the report in the House of Commons in October 1998 the then Home Secretary, Jack Straw, indicated that, though a referendum on the voting system was still the intended consequence of the Jenkins report, it would be unlikely to happen before the 2001 election⁴. In fact no move was made on this issue until the setting up of the ICPR in 2003.

The Commission on Local Government and the Scottish Parliament (McIntosh Commission)⁵

The formal remit of the Committee was to examine the relationship between the Scottish Parliament and councils how councils can best make themselves responsive and democratically accountable to the communities they serve. The final report was published in 1999

- The commission advocated a move to a proportional voting system for Scottish council elections starting with the 2002 local elections - they described the move to PR as 'an essential step towards the goal of enhancing local democracy.'
- The Commission did not come down in favour a single system but proposed that an advisory group be established to give further consideration to MMP, STV and AV Top Up voting systems.

The Scottish Parliament then duly set up such a working party, which was cross-party and chaired by Richard Kerley

The Renewing Local Democracy Working Group (The Kerley Group)⁶

This Renewing Local Democracy working group reported in June 2000 and recommended that the Single Transferable vote was the system best met the evaluative criteria identified by the Commission⁷ for use in Scotland's local government elections. They recommended wards of between 3 to 5 councillors.

- They concluded that FPTP rewarded the largest party with a disproportionate number of seats – AV was regarded as similarly failing the proportionality criteria.

³ <http://www.archive.official-documents.co.uk/document/cm40/4090/contents.htm>

⁴ http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo981105/debtext/81105-11.htm#81105-11_head0

⁵ <http://www.scotland.gov.uk/deleted/library/documents-w10/clg-00.htm>

⁶ <http://www.scotland.gov.uk/Resource/Doc/158178/0042807.pdf>

⁷ The criteria were proportionality; the councillor-ward link, fair provision for independents, allowance for geographical diversity and a close fit between council wards and natural communities.

- The list systems were judged to entirely fail on the criterion of single councillor-ward link
- The group felt that the “two types of councillor that would be produced by the MMP system would be problematic and they felt that AV+ was not sufficiently distinct from this system to warrant being considered in its own right.
- STV was judged to provide proportionality as well as a geographical link. The experience of multi-member wards in local government was seen as being generally positive.

Commission on Local Government Electoral Arrangements in Wales, (The Sunderland Commission)

This Welsh Assembly appointed commission chaired by Professor Eric Sunderland was set against a background of a large amount of seats for Welsh councils going unchallenged. Reporting in 2002, their recommendation was the use of the Single Transferable Vote for local authority elections in Wales.

The commission had been established under a Labour/Liberal Democrat coalition but the report was not taken further when the Labour party formed a minority government in 2003.

The Independent Commission on Proportional Representation⁸

Based in the Constitution Unit at UCL this independent Commission took a thorough look at the proportional electoral systems used in the UK. This commission’s report was published in 2004 and was intended to feed into the Government’s own review, commenting on the likely implications of introducing PR for Westminster.

The final report made no concrete recommendations, and stated clearly that there was no ideal voting system, though it did make some important observations and “undermined some widely held myths on both sides of the debate”. The final report found that:

1. The experience with the devolved bodies did not suggest that PR is too complicated for voters
2. The experience of coalition government in the devolved bodies was largely positive, producing distinctive policies. Survey results show that the public were increasingly approving of coalition government.
3. On the other hand, the experience with PR in the UK since 1997 contradicted the claims of its advocates that its introduction would necessarily increase turnout. Other factors were seen as more important

The report noted that the “burying of the Jenkins recommendations owed more to a lack of political support at the top of the Blair Government... and to the lack of interest among the electorate than to any serious discussion of the report’s strengths or weaknesses”

Finally the report stated that the debate on electoral reform was very much open, and should be seen in tandem with discussions over the continuing path of devolution and House of Lords reform.

In the next few years further reports looking more specifically at the elections in Scotland and Wales made more specific recommendations.

⁸ http://www.ucl.ac.uk/constitution-unit/files/108_icpr_final.pdf

The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (The Richard Commission)⁹

An appraisal of the current devolution arrangements for the Welsh Assembly, chaired by the Lord Richard of Ammanford PC QC, recommended in March 2004 that:

1. Primary legislative powers be transferred to the Welsh Assembly
2. The number of Assembly Members should be raised from 60 to 80
3. That the Additional Member System (MMP/MMP) would be unsuitable for electing a larger assembly and should be replaced by the Single Transferable Vote (STV)

However, the Government rejected this recommendation, stating in the 2005 White Paper *Better Governance for Wales*¹⁰ that the MMP system would be maintained, but amended so that dual candidacy (the practice of candidates standing for both constituency and list seats) would be banned.

The Commission on Boundary Differences and Electoral Systems (The Arbuthnott Commission)

Set up to analyse the four different voting systems in place in Scotland this commission under the chairmanship of Professor Sir John Arbuthnott recommended in January 2006 that:

1. The Mixed Member Proportional (MMP) system currently used to elect the Scottish Parliament be retained but revised, most notably by replacing closed lists with open lists for the regional vote.
2. However, the report then recommended that “our revised electoral system, if implemented, should be reviewed following experience of two elections. If further reform is judged necessary, consideration should be given at that time to introducing the Single Transferable Vote (STV) for Scottish Parliament elections.”
3. The Commission also recommended using the Single Transferable Vote (STV) for elections to the European Parliament
4. Commented that ‘the case for introducing a more proportional system for [Westminster] elections is now very strong’

The Government response agreed with many of the smaller recommendations put forward by the commission, and agreed with those that recommended maintaining the status quo. However, they declined to revise the MMP system to use open lists, believing it would complicate the voting process, and they declined to implement the use of STV for European Elections.¹¹

The Independent review of the Scottish Parliamentary and local government elections (The Gould Report)¹²

After significant problems were experienced with the Scottish Parliamentary elections in 2007, which were held at the same time as the Local Government elections an independent

⁹ <http://www.richardcommission.gov.uk/content/finalreport/report-e.pdf>

¹⁰ http://www.walesoffice.gov.uk/2005/better_governance_for_wales_report.pdf

¹¹ <http://www.scotlandoffice.gov.uk/our-communications/doc.php?id=79>

¹² <http://www.electoralcommission.org.uk/elections/scotelectionsreview.cfm>

review team lead by Ron Gould looked into the conduct of the election. Many of the points made concern electoral administration but there are some important points to draw out

1. The report found no evidence to suggest that the move to using the Single Transferable Vote in the local government elections was the source of voter confusion
2. The spoilage rate was much higher for the Parliamentary elections held using MMP than for the Local Government Election under STV (1.8% compared to 4%)

Reports into engagement and participation

The Power Inquiry¹³

The power inquiry, set up to look at political engagement and chaired by Baroness Helena Kennedy looked at the effects on participation of the FPTP system. They reported in February 2006.

1. They recommended that a “responsive electoral system should be introduced for elections to the House of Commons, House of Lords and local councils in England and Wales.”
2. The commission’s arguments rested on the “fact that we have now reached a point in our political history where democracy is at risk because our electoral and party system has become such a major block to popular engagement with political decision-making.”
3. They recommended that current thinking showed the STV system to best present the desirable characteristics of an election.

The Councillors Commission¹⁴

The Councillors Commission under Dr Jane Roberts DBE looked at the incentives and barriers to serving on councils, with a view to making the role more appealing and accessible to a diverse range of people.

In their report of the 10 December 2007 they made a couple of key recommendations relevant to this debate:

1. The commission recognised many of the benefits of STV elections for local government, and recommended that any local authority that wished to pilot STV should be able to do so.
2. The commission recognised the positive impact that multi-member wards can have in terms of encouraging the election of under represented groups and encouraging teamwork and the sharing of responsibilities between councillors, and recommended that multi-member wards should be adopted throughout the local government electoral system.

¹³ http://makeitanissue.org.uk/devlog/2007/01/the_power_commission_was_estab.php

¹⁴

<http://www.communities.gov.uk/councillorscommission/publications/representingthefuture/>

Electoral Reform Society Research: Britain's Experience of Electoral Systems

In April 2007 the ERS published our own "alternative review" of electoral systems, in preparation for the debate on the Government review.¹⁵ This has been followed by in depth reports into the Scottish Local Government Elections held under STV, and the Welsh Assembly Elections¹⁶.

The review and subsequent reports analysed the results and conduct of elections throughout the UK. We evaluated electoral systems using the four criteria given to the Jenkins Commission namely the requirement for broad proportionality, the need for stable government, an extension of voter choice, and the maintenance of a link between MPs and geographical constituencies. Also, the report evaluated whether electoral systems could promote diversity and encourage participation.

The findings from these reports in relation to these criteria are below

House of Commons: First Past the Post	
Proportionality	First past the post for the Commons has produced some highly disproportional results, including the "wrong" results in 1929, 1951 and 1974 when the party with a lower number of votes won more seats.
Stable government	The "strength" of single party government under FPTP is overstated. This system produces overall majorities but with limited popular consent. It can also produce minority Governments without having the political culture to allow for effective minority or coalition government.
Voter choice	Limited by tendency towards safe seats. Many constituencies have been one by the same party since 1970. Once party have selected candidate voters can feel the outcome is a foregone conclusion
Geographical link	One person cannot reflect diversity of views in a constituency. In 2005 barely a third of MPs elected with more than 50% of the constituency vote.
Diversity	Single member constituencies do not encourage diversity. For women's representation specifically there has been an international "natural ceiling" of about 25% female representation under majoritarian systems.
Participation	In recent British general elections the turnout has been the lowest of the 15 original EU member states. In 2005 turnout amongst younger voters below 40%. Voters may well feel their vote will have little effect. They could be right as it was calculated that had there been an election in November 2007 it would have taken just 8000 votes in a few key constituencies to have produced a hung parliament.

Scottish Parliament and Welsh Assembly: Additional Member System	
Proportionality	Has produced bodies that broadly represent the views of their electorates – all major parties have sufficient representation to give them a voice and smaller parties have achieved seats. However, Labour has been over-represented in the constituency elections, and this has increased the problems associated with having two categories of elected member.
Stable government	Coalition governments have been formed which have been generally stable, and able to make innovative policy and legislation.
Voter choice	Choice is extended by the second regional vote but is limited by the use of FPTP in the constituency vote, and the use of closed lists in the regional vote.
Geographical link	Constituency members linked as a FPTP election, whilst regional members have no strong links with the electorate and a lower democratic mandate, owing their positions to how their parties ranked them on the lists rather than to votes.

¹⁵ <http://www.electoral-reform.org.uk/downloads/experiencesofelectoralsystems.pdf>

¹⁶ <http://www.electoral-reform.org.uk/downloads/Welsh%20Assembly%20report-5.pdf>

Diversity	Both institutions have seen a high number of women candidates elected. This may have more to do with the selection policies of the parties. BME representation is low.
Participation	Turnout has not been high and has fallen in both countries. It is expected that such elections would inspire lower turnouts than at general elections but MMP cannot be said to have helped.

Northern Ireland: Single Transferable Vote for Local and NI Assembly elections	
Proportionality	There has been a close match between parties share of the votes and share of the seats and smaller parties have achieved representation
Stable government	Stable local government has been produced, though at the level of the assembly stability has proved to be elusive for reasons that lie beyond the voting system
Voter choice	STV increases voter choice as safe seats are relatively unheard of.
Geographical link	STV was chosen so that all members of a divided society could feel that there was someone in their constituency able to represent them.
Diversity	Fair representation has been achieved for Protestant and Catholic communities but other diversity indicators are poor. Lack of women representatives may be a result of the political culture in NI
Participation	Turnout in NI assembly elections has been nearly 20% higher than the average for Scottish Parliament or Welsh Assembly elections. Politics is more immediate in NI but also voters generally feel STV votes make a difference.

European Parliament: Closed List PR	
Proportionality	Proportional results were created – in 2004 the Conservatives received 27% of the vote and 36% of the seats. Under FPTP this would have been 59% of seats.
Stable government	Not a factor
Voter choice	This is a deficit of the closed list system. Voters can only choose parties rather than the individuals who represent them.
Geographical link	Would never be very strong due to large constituencies but at least under PR many more voters have a MEP of their chosen party to represent them.
Diversity	Closed list systems are potentially the most efficient way of ensuring diversity amongst elected representatives as parties can ensure equality within their lists. However this relies on the popular parties prioritising this.
Participation	Not determined by electoral system but by factors such as the introduction of postal voting.

Local Government in England and Wales: FPTP	
Proportionality	FPTP has produced some highly disproportional results: In 2006 6 London boroughs and 6 metropolitan boroughs the party that won most seats was not the party with the highest vote share.
Stable government	Stability is the norm in local government – including some councils where parties with minority support from voters have enjoyed uninterrupted power for many years.
Voter choice	There is a problem with many seats being uncontested – in Powys in 2004 a majority of councillors were “elected” without an election.
Geographical link	Councillors have good links with their wards however there is still the problem with safe seats where representatives do not feel the need to maintain links with all communities in their wards.
Diversity	Traditionally poor diversity amongst councillors
Participation	Turnout has generally been low but is raised when combined with other elections

Local Government in Scotland: STV	
Proportionality	Councils across Scotland are now much more representative of the views of their voters. Measures of disproportionality show a marked improvement over the pre-2007 situation
Stable government	Produced markedly more councils with no overall control - 27 councils.
Voter choice	The choice available for the average elector was therefore 7.4 candidates – more than double the spread available in 2003 and far in excess of what was offered in England in 2007. There were no unopposed returns at all.
Geographical link	Multi-member wards allow for a greater likelihood that you will be represented by a candidate of your choice
Diversity	Was disappointing due to the small number of councillors being elected for each ward,
Participation	Turnout increased and the spoilage rate was well below that of the parliamentary elections (1.8% compared to 4%)

The Government Review: What is it likely to say?

The government review is a desk-based exercise and so is likely to draw on much of the existing analysis of electoral systems. The difference will lie in the priority attached to the attributes of various electoral systems, and the conclusions reached.

Drafts of the Government review which have been in existence for over a year point to the following analysis:

- The newer electoral systems in place have achieved higher degrees of proportionality than FPTP – with STV in Northern Ireland achieving close to genuine proportionality
- More proportional systems increase voter choice, but some, and particularly MMP, have also produced some voter confusion
- Most of the proportional systems, apart from the closed list, allow for a close geographical link between constituents and most representatives, although there have been concerns over the accountability to the electorate of regional members in MMP systems.
- The electoral system is not the decisive factor in determining turnout at elections.
- That political campaigning has not changed remarkably under different systems but that strategies may develop over time
- Proportional systems help in achieving diversity, but party initiatives such as the Labour party's "twinning" strategy in the devolved assemblies are the driving factors.
- FPTP creates stable one party government but international experience shows that coalition government produced by PR is also usually stable. Experience in Scotland and Wales shows that policy innovation and consensual politics are the features of coalition governments.
- Changing voting systems requires a focus on electoral administration and may even necessitate more certainty about the timing of elections.
- Political culture has not changed significantly as a result of changes in voting systems, although it is too early to assess the impact of the use of STV in Scottish local elections.

Essentially, we expect the review to do much as the ICPR paper did: present the analysis but conclude that the optimum voting system is then a matter of political judgement. Much will come down to opinions on coalition government -is it the key to consensual and diverse policy making or does it hamper effective government - and on the relative importance given to proportionality over simplicity in voting systems.

What next? – The wider context.

There are various forums for any points made in the Government report to be debated further:

Governance of Britain – consultation events

The Governance of Britain Green Paper published in July 2007 initiated a range of consultations and events. Electoral reform has not been specifically addressed, but as this programme develops it will be hard to talk about a new constitutional settlement without addressing the problems many people experience with our current voting system. The Ministry of Justice is planning a series of consultative events across the country, the first one having been held in Leicester in December 2007, at which the topic of our voting system was raised with the Secretary of State.

Speakers Conference on engagement and voter turnout

In launching the Governance of Britain White Paper the Prime Minister also announced his intention to convene a Speaker's Conference on engagement. The electoral system would seem to be a logical topic for this conference to discuss but the terms of reference have not yet been announced.

There will also be debates surrounding the Draft Constitutional Renewal Bill, promised in the Queen's Speech, and on House of Lords reform, on which a further White Paper is expected in forthcoming months.

Conclusion

Out of the ten reports¹⁷ mentioned in this briefing which looked at the merits of various electoral systems, seven recommended the use in some way of the Single Transferable Vote¹⁸, nine recommended some form of proportional electoral system and none were able to recommend First Past the Post as the most desirable system.

Despite this the Government's imminent publication of its own review of electoral systems is likely to pose more questions than it answers, and very unlikely to propose any radical changes to the status quo.

There is scope for constitutional issues to be debated at the moment – but none of the Governance of Britain Green Paper consultations, the Constitutional Renewal Bill, or the Speakers Commission has a remit to look at our electoral system.

Government has consistently stated that, if there is a case for reform of elections to Westminster, this should be decided through a public referendum. The case for reform of the House of Commons has been cogently argued in many analyses and reports. So the question now is who decides whether there is a case - and how is a referendum question chosen? It was always the intention of figures such as Lord Jenkins that these questions would not be just for politicians – there is a need for a forum for public discussion and a wider public understanding of what is being considered.

The Electoral Reform Society is seeking a constitutional convention so that the public can have their say on the review and the wider debate on electoral reform. The convention would draw up a referendum question which could be put to the public in line with Labour's 1997 manifesto commitment.

¹⁷ This excludes the Gould report as commenting on the electoral system was not within its remit.

¹⁸ The Kerley group recommended STV for Scottish Local Government, the Arbuthnott report recommended the use of STV for Scottish European elections, The Sunderland Commission recommended STV for Welsh local elections, the Richard Report recommended STV for the Welsh Assembly, the ERS report recommended STV for all public elections, The Power Inquiry recommended STV for Westminster and the Councillor's Commission recommended that English local authorities be able to pilot STV for local elections.